Government of Kerala
1975

Reg. No. K. 102

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Thursday 30th January 1975 / 10th Magha 1896 [No. 49

GOVERNMENT OF KERALA

Industries (E) Department

NOTIFICATION

No. 15444/E2/74/ID *Dated, Trivandrum, 30th January 1975.*

THE KERALA COCONUT HUSKS AND FIBRE (REGULATION OF MOVEMENT) ORDER, 1975

S.R.O. No. 93/75.—WHEREAS the Government of Kerala are of opinion that it is necessary and expedient so to do for maintaining the supply of coconut husks and coir fibre and for securing their availability within the State at fair prices;

Now therefore, in exercise of the powers conferred by sub-rules (2) and (3) of rule 114 of the Defence of India Rules, 1971, the Government of Kerala hereby make the following Order, namely:—

ORDER

1. *Short title, extent and commencement.*—(1) This Order may be called the Kerala Coconut Husks and Fibre (Regulation of Movement) Order, 1975.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "Form" means a Form appended to this Order;

(b) "Husks Control Order" means the Coconut Husks Control Order, 1973;

(c) "Inspector" means the officer appointed by the State Government under clause 4 of the Husks Control Order or any officer appointed by the State Government to exercise the powers of an Inspector under this Order;

(d) "Licensing Officer" means the officer appointed by the State Government under clause 4 of the Husks Control Order;

(e) all other words and expressions used herein but not defined and defined in the Husks Control Order shall have the meanings, respectively, assigned to them in that Order.

3. The State Government may by notification appoint such officers as it thinks fit to be Inspectors for the purposes of this Order and shall assign to them such local limits as may be specified in such notification.

4. *Furnishing details of stock.*—(1) Every person holding a licence under the Husks Control Order for retting husks shall before the tenth of every month furnish to the Licensing Officer a return specifying the quantity of retted husks sold by such person during the previous month and the persons to whom they were sold and also the stock of retted husks with him on the last day of the previous month.

(2) Every person holding a licence under the Husks Control Order for the manufacture of fibre shall before the tenth of every month furnish to the Licensing Officer and to the Inspector concerned a return specifying the quantity of fibre sold by such person during the previous month and the persons to whom it was sold, and also the stock of fibre with him on the last day of the previous month.

5. *Sale of fibre.*—(1) No person shall sell, offer to sell, or dispose of in any manner fibre in excess of such quantities as may be fixed by the State Government by general or special order, except under the authority and in accordance with the terms and conditions of a permission granted by the Licensing Officer in that behalf.

(2) An application for the grant of a permission under sub-clause (1) shall be made to the Licensing Officer in Form A and such application shall be affixed with a court fee stamp of Rs. ..

(3) On receipt of an application under sub-clause (2) the Licensing Officer may, after making such inquiry, as he may consider necessary, by order in writing either grant the permission or reject the application:

Provided that no application for the issue of a permission under this clause, shall be rejected unless the applicant has been given a reasonable opportunity of showing cause against such rejection:

Provided further that no application for a permission shall be rejected if it is shown to the satisfaction of the Licensing Officer that the sale or disposal of fibre is necessary for the purpose of performing an export contract for the supply of fibre entered into before the commencement of this Order:

Provided also that a copy of the order rejecting the application shall be communicated to the applicant.

6. *Movement permit for fibre.*—(1) The Licensing Officer may by notification direct that with effect from such date as may be specified in the notification, no person or dealer or holder of a licence for the manufacture of fibre under the Husks Control Order shall move or attempt to move, transport or attempt to transport or abet the movement of, or transport of fibre, except such quantities as may be specified in the notification for domestic use or for use by the members of his family, except under the authority and in accordance with the terms and conditions of a movement permit issued in that behalf by the Inspector.

(2) An application for a movement permit under sub-clause (1) shall be made to the Inspector in Form B and such application shall be affixed with a court fee stamp of Rs. 2.

7. *Appeal.*—(1) Any person aggrieved by any order of the Licensing Officer under the provisions of this Order may appeal in writing to the State Government within thirty days from the date of receipt by him of the copy of the order:

Provided that the State Government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period.

(2) On receipt of an appeal under sub-clause (1), the State Government shall, after giving the appellant an opportunity of being heard and after such further inquiry, as may be necessary, pass such orders on the appeal as it thinks fit.

8. *Powers of entry and inspection.*—(1) The Licensing Officer or any officer not below the rank of an Inspector authorised by him in this behalf may, with a view to securing compliance with the provisions of this Order or any of the provisions of the Husks Control Order, by general or by special order—

(a) require any person, dealer or holder of a licence or permission under the said Orders to give such information in his possession with respect to any business carried on by him;

(b) require any person, dealer or holder of a licence or permission under the said Orders in writing to furnish samples of any article to which the said Orders apply;

(c) require any person, dealer or holder of a licence or permission under the said Orders in writing to produce books or documents belonging to him or under his control;

(d) inspect or cause to be inspected any books or documents in the possession or under the control of such persons;

(e) stop any search any vehicle, vessel or receptacle in which he has reason to believe that a contravention of the said Orders has been, is being or is about to be contravened;

(f) enter and search any premises; or

(g) seize any article to which the said Orders apply in respect of which he has reason to believe that a contravention of the said Orders has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of stocks so seized in a court or for their safe custody, pending such production.

(2) The provisions of the Code of Criminal Procedure Act, 1973 relating to searches and seizures shall, so far as may be, apply to searches and seizures under this clause.

(3) Where the article seized under this clause or under clause 16 of the Husks Control Order cannot be conveniently removed to the court or is of a perishable nature or its value may deteriorate if kept long under safe custody or the expenses of keeping it may exceed its value, the court may on the report of the officer making the seizure order its sale at the spot after due notice to the parties concerned. Such sale shall be conducted by the officer who seized it, if so permitted by the court or by such officer as the court may depute and the sale proceeds along with the name of the person making the purchase shall be submitted to the court.

9. *Fixation of price of fibre.*—The Licensing Officer may, after taking into consideration the conditions mentioned in clause 10 of the Husks Control Order and on the recommendation of the Advisory Board established under clause 3 of that Order and with the approval of the Chairman, Coir Board, fix the price at which fibre may be sold.

By order of the Governor,

P. Bhaskara Menon,
Joint Secretary to Government.

Form A

THE KERALA COCONUT HUSKS AND FIBRE (REGULATION OF MOVEMENT) ORDER, 1975

[*See* Clause 5 (2)]

Form of application for the grant of a permission to sell or dispose

1. Name and address of the applicant
2. Number and date of Licence possessed
3. Total stock of fibre
4. Variety of yarn that can be produced out of the fibre e.g., Anjengo, Mangadan, Aratory etc.
5. The quantity of fibre proposed to be sold or disposed of
6. Method of disposal
7. Purpose of disposal
8. If disposal is by sale, the persons or class of persons to whom the sale is to be made.
9. The price at which the sale is to be made

Declaration

I do hereby declare that to the best of my knowledge and belief the above information is correct and complete and that I am aware of the conditions subject to which a permission is granted and that I agree to abide by them. I also, declare that *I have/I have not previously applied for the permission and that permission was *refused/granted on.....................

Signature of applicant.

* Strike out whichever is inapplicable.

FORM B

THE KERALA COCONUT HUSKS AND FIBRE (REGULATION OF MOVEMENT) ORDER, 1975

[*See* Clause 6 (2)]

Form of application for the grant of a movement permit

1. Name and address of applicant
2. Number and date of the licence possessed
3. Quantity of fibre possessed at the time of application
4. Place to which the movement is to be effected
5. Quantity of fibre proposed to be moved
6. The purpose of the movement

DECLARATION

I do hereby declare that to the best of my knowledge and belief the above information is correct and complete and that I am aware of the conditions subject to which a permit is granted and that I agree to abide by them. I also, declare that I have/have not previously applied for a permit and the permit was *refused/granted on.................................

Signature of applicant

*Strike out whichever is inapplicable

PRINTED AND PUBLISHED BY THE S.C.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975.